

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

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HOUSE BILL NO. 1225

Introduced by: Representatives Duenwald, Earley, Hunt, Jaspers, Klaudt, and Young and
Senators Bogue, Frederick, and Lawler

1 FOR AN ACT ENTITLED, An Act to bring certain state campaign statutes into conformity with
2 recent federal court cases.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-25-1 be amended to read as follows:

5 12-25-1. Terms used in §§ 12-25-1 to 12-25-26, inclusive, mean:

6 (1) "Ballot question committee," any two or more people who cooperate for the purpose
7 of raising, collecting, or disbursing money for the adoption or defeat of any question
8 submitted to the voters at any election;

9 (2) "Candidate for election," any person who has qualified through nomination in a
10 primary election, nomination at a party convention, or by filing a petition as an
11 independent candidate for the general election;

12 (3) "Candidate for nomination," any person who has filed a nominating petition for office
13 at any primary election;

14 (4) "Candidate's committee," any two or more people who cooperate for the purpose of
15 raising, collecting, or disbursing money to secure the nomination or election of a
16 person to public office;

- 1 (5) "Contributions," any valuable consideration in whatever form received by any
2 candidate, candidate's committee, political party committee, ballot question
3 committee, or political action committee;
- 4 (6) "Contributions in behalf of an individual candidate," do not include costs incurred
5 without the request or consent of the candidate or ~~his~~ the candidate's agent;
- 6 (7) "Election expenses," all expenditures of money or other valuable thing in furtherance
7 of the nomination of any person as a candidate for public office, or in furtherance of
8 the election of any person to public office, or to defeat the nomination or election to
9 public office of any person, or in furtherance of or to defeat any constitutional
10 amendment, initiated measure, referred law, or other question submitted to the voters
11 of the whole state;
- 12 (8) "Political action committee," ~~any two or more people who cooperate for the purpose~~
13 ~~of raising, collecting or disbursing money to influence the outcome of an election and~~
14 ~~who are not candidates for nomination, candidates for election, entity of two or more~~
15 people, the major purpose of which is to make contributions or expenditures on
16 express advocacy communications in support of or in opposition to a candidate, and
17 which is not under the control of a candidate, a political party, or a candidate's
18 committee;
- 19 (9) "Political party committee," the state and county central committees of any political
20 party qualified to participate in a primary election, and any auxiliary organizations of
21 such political party committees;
- 22 (10) "Public office," every public office to which a person can be elected by vote of the
23 people under the laws of this state; ~~and~~
- 24 (11) "State office," the offices of Governor, lieutenant governor, secretary of state,
25 attorney general, state auditor, state treasurer, commissioner of school and public

1 lands and public utilities commissioner;

2 (12) "Express advocacy," explicit words or express terms that advocate the election or
3 defeat of a clearly identified candidate, such as: vote for, elect, support, cast your
4 ballot for, Smith for State Senate, vote against, defeat, reject; and

5 (13) "Major purpose," the central organizational purpose of an organization, as evidenced
6 by its public statements of its purpose or the majority of the organization's
7 disbursements, i.e., more than fifty percent.